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June 4, 2013

VIA MAIL and EMAIL

Kelly Zito
Director, Office of Public Affairs
U.S. EPA Region 9
75 Hawthorne Street
OPA-1
San Francisco, CA 94105

zito.kelly@epa.gov
Facsimile No. (415) 947-3591

Re: *Freedom of Information Act Request*

Dear Ms. Zito:

We represent The Walt Disney Company in litigation pending in state and federal court. On April 29, 2011, we sent your office the enclosed FOIA letter requesting, among other things, records concerning a February 25, 2011 letter from Dr. Carpenter Blanchard, purportedly of the United States Environmental Protection Agency ("EPA"), to Lisa Hanusiak of EPA Region 9 (the "Blanchard Letter"). *See* Request No. 09-FOI-00354-11. In late June 2011, your office kindly provided electronic documents in response to this request.

Based on our investigation into the Blanchard letter, including our review of the documents your office provided us in June 2011, we have come to understand that a person named William Dunlap fabricated fraudulent correspondence that was sent to the EPA and other agencies for the purpose of inducing the agencies to investigate his wholly unsubstantiated theory that the Disney Studio Lot in Burbank, California is responsible for hexavalent chromium contamination in the Burbank area. This correspondence includes an email from a "Dr. Steven Bishop" at "coldwaterpro@aol.com" dated February 26, 2011, and a letter from a "Dr. Carpenter S. Blanchard" dated February 25, 2011.

We further understand that this same individual has been the source of additional correspondence concerning The Walt Disney Company to various state and federal agencies — including the EPA, the Agency for Toxic Substances and Disease Registry, the Los Angeles Regional Water Quality Control Board, and the California Department of Public Health. The information we have reviewed indicates that Mr. Dunlap sometimes communicates in his own name, and has also used a number of different identities (e.g., Dr. Talbot Cummings, Dr. Steven Bishop, Doug Hines), claimed association with different entities (e.g., Environmental World Watch, Inc.,

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Madrid	Washington, D.C.
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Environmental World Watch, LLC, RBC Four Co.), and communicated via numerous email addresses (e.g., coldwarpro@aol.com, capt_craz@yahoo.com, eww.law@safe-mail.net, dunlap.eww_law@yahoo.com, captrcz_racing@yahoo.com, eww5001@aol.com, rbc1989@aol.com).

We now submit this second letter under provisions of the Freedom of Information Act, as set forth in 5 U.S.C. § 552 and 40 CFR Part 2, to update our prior request for records in the custody, control or possession of the EPA. To avoid redundancies and to minimize the burden of responding to this request, we are not seeking documents that EPA produced in June 2011 in response to our prior request, nor are we seeking documents that EPA posted to the San Fernando Valley Glendale FTP site¹ as of May 1, 2013. Instead, this request is limited to responsive documents — particularly emails or other correspondence — that the agency has received since June 1, 2011 that were not uploaded to the FTP site as of May 1, 2013. Also, to ease the process, we confirm that we are not seeking internal EPA privileged communications and do not require a privilege log of such communications. To the extent there are documents that are privileged in only some small part, we ask that you please provide redacted copies.

As before, we respectfully request that if any of the records responsive to this request are stored in electronic format, please also provide a copy of the records in electronic format on CD-ROM or other media that will enable us to load the records onto a computer. This includes, without limitation, electronic mail messages (“emails”) as they exist in their original electronic file formats (e.g., Microsoft Outlook’s PST file format or Lotus Notes’ NSF file format). Each request for records includes a request for the underlying raw data.

This request is for all U.S. EPA records concerning:

1. The February 25, 2011 letter from Dr. Carpenter S. Blanchard purportedly of the Environmental Protection Agency (“EPA”) to Lisa Hanusiak of EPA Region 9 and the enclosures that were annexed to said letter (collectively, the “Blanchard Letter”), including but not limited to:
 - The original and all copies of the Blanchard Letter;
 - All emails, correspondence or communications, which transmit, receive, concern, or discuss the Blanchard Letter.
2. All documents and communications (*particularly email*) with or concerning the following 33 persons and/or email addresses² concerning the Blanchard Letter, Pollywog Park, chromium or hexavalent chromium, The Walt Disney Company, or the Walt Disney Studios that have occurred at any time since June 1, 2011:

¹ epaftp.toeroek.com

² The names and email addresses in this table are not listed in any particular order.

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➤ William ("Bill") Dunlap	➤ Environmental World Watch, Inc. ("EWW INC")	➤ Jack Silver, Esq.
➤ Dr. Carpenter Blanchard	➤ Environmental World Watch, LLC ("EWW LLC")	➤ J.R. Parker, Esq.
➤ Dr. Talbot Cummings	➤ RBC Co.	➤ Anthony Graham, Esq.
➤ Dr. Steven Bishop	➤ RBC Four Co.	➤ Matthew Jackson, Esq.
➤ Doug Hines	➤ Arthur Angel, Esq.	➤ Kershaw, Cutter & Ratinoff, LLP
➤ Doris Nichols	➤ David Ring, Esq.	➤ LA Regional Water Quality Control Board
➤ Dennis Becvar	➤ Ronald Bamieh, Esq.	➤ CA Dept. of Public Health
➤ Frank Snepp	➤ EWW Law, PLC	➤ Agency for Toxic Substances and Disease Registry
➤ coldwarpro@aol.com	➤ capt_craz@yahoo.com	➤ City of Burbank
➤ capt_craz@yahoo.com	➤ eww.law@safe-mail.net	➤ dunlap.eww_law@yahoo.com
➤ eww5001@aol.com	➤ rbc1989@aol.com	➤ captrcz_racing@yahoo.com

For purposes of this request

(1) the term "records" includes any writing containing information which EPA prepared, received, possesses, controls, owns, used, or retained regardless of physical form or characteristics;

(2) the term "communications" shall mean and refer to any contact or transfer of information, whether oral, written or by any other means, between two or more persons or entities and includes, without limitation, written contact such as electronic mail messages ("email"), letters, notes, memoranda, telegrams, and oral contact such as face to face meetings and telephone conversations. The term "communications" also includes internal contacts within an organization or department, as well as contacts with others;

(3) the term "writing" shall mean and refer to handwriting, typewriting, printing, photostating, photographing, imaging, electronic mail, facsimile, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and all papers, maps, magnetic, or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents;

(4) the term "person" shall mean and refer to any individual or entity, including without limitation, any individual, government agency, company, partnership, corporation, or other entity;

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(5) the terms “and” and “or” are terms of inclusion and not of exclusion and shall have both conjunctive and disjunctive meanings, and the words “any” and “all” mean each and every.

To properly authenticate records provided in response to this FOIA, we respectfully request that you please complete and return the enclosed declaration certifying EPA’s production. If you have any questions, concerns or comments about this FOIA request, including suggestions for facilitating this exchange of information, please do not hesitate to contact me. Thank you, in advance, for your cooperation and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kirk A. Wilkinson", with a long horizontal flourish extending to the right.

Kirk A. Wilkinson
LATHAM & WATKINS LLP

Enclosures

cc: Regional FOIA Officer, U.S. EPA, Region 9 (r9foia@epa.gov)
Mr. Thomas Butler, Esq. (Butler.Thomas@epa.gov)

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April 29, 2011

VIA MAIL, EMAIL and FAX

Kathleen Johnson
Director, Office of Public Affairs
U.S. EPA Region 9
75 Hawthorne Street
OPA-1
San Francisco, CA 94105

johnson.kathleen@epa.gov
Facsimile No. (415) 947-3591

Re: *Freedom of Information Act Request*

Dear Ms. Johnson:

This letter is submitted pursuant to the provisions of the Freedom of Information Act, as set forth in 5 U.S.C. § 552 and 40 CFR Part 2, and respectfully requests records in the custody, control, or possession of the United States Environmental Protection Agency, Region 9, ("U.S. EPA"). If any of the records responsive to this request are stored in electronic format, please also provide a copy of the records in electronic format on CD-ROM or other media that will enable us to load the records onto a computer. This includes, without limitation, electronic mail messages ("emails") as they exist in their original electronic file formats (e.g., Microsoft Outlook's PST file format). Each request for records includes a request for the underlying raw data.

This request is for all U.S. EPA records concerning:

1. The February 25, 2011 letter from Dr. Carpenter S. Blanchard purportedly of the Environmental Protection Agency ("EPA") to Lisa Hanusiak of EPA Region 9 and the enclosures that were annexed to said letter (collectively, the "Blanchard Letter"), including but not limited to:
 - The original and all copies of the Blanchard Letter;
 - All emails, correspondence or communications since January 1, 2011, which transmit, receive, concern, or discuss the Blanchard Letter.

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Frankfurt	San Diego
Hamburg	San Francisco
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

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2. All documents and communications with the following persons concerning the Blanchard Letter, Pollywog Park, The Walt Disney Company, or the Walt Disney Studios that have occurred at any time since January 2006:
 - William ("Bill") Dunlap
 - Doris Nichols
 - Dennis Becvar
 - Steven Bishop
 - Frank Snepp
 - Environmental World Watch, Inc. ("EWW")
 - Jack Silver, Esq.
 - Anthony Graham, Esq.
 - C. Brooks Cutter, Esq.
 - J.R. Parker, Esq.
 - Robert Finnerty, Esq.
 - Matthew Jackson, Esq.
 - Kershaw, Cutter & Ratinoff, LLP
 - Girardi & Keese, LLP
 - EWW Law, PLC
 - Law Office of Jack Silver

For purposes of this request, (1) the term "records" includes any writing containing information which U.S. EPA prepared, received, possesses, controls, owns, used, or retained regardless of physical form or characteristics; (2) "writing" means handwriting, typewriting, printing, photostating, photographing, imaging, electronic mail, facsimile, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and all papers, maps, magnetic, or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents; (3) the term "person" shall mean any individual or entity, including without limitation, any individual, government agency, company, partnership, corporation, or other entity; (4) the terms "and" and "or" are terms of inclusion and not of exclusion and shall have both conjunctive and disjunctive meanings, and the words "any" and "all" mean each and every.

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I understand that there may be costs associated with complying with my request. If so, please contact me with an estimate of these costs.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kirk A. Wilkinson".Handwritten initials "E-11" in a stylized, enclosed format.

Kirk A. Wilkinson
LATHAM & WATKINS LLP

cc: Regional FOIA Officer, U.S. EPA, Region 9 (r9foia@epa.gov)